

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

JOHN E. DAVIS,
Complainant,

v.

GTE FLORIDA INCORPORATED,
Respondent.

)
)
) 8 U.S.C. § 1324b Proceeding
)
)

) OCAHO Case No. 97B00087
)

) Judge Robert L. Barton, Jr.
)
)

ORDER OF DISMISSAL

(September 17, 1997)

On April 4, 1997, John E. Davis (Davis or Complainant), through his representative John B. Kotmair, Jr.,¹ filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against General Telephone and Electric.² The Complaint and a notice of hearing were served by OCAHO on Respondent on April 18, 1997. In the Complaint, Mr. Davis states that he is a United States citizen, Compl. ¶ 2, and alleges that Respondent discriminated against him because of his citizenship status, *id.* ¶¶ 9-10, and committed document abuse by refusing to accept documents he presented, namely a Statement of Citizenship and an Affidavit of Constructive Notice, *id.* ¶ 16. On August 14, 1997, I issued an Order Granting Respondent's Motion to Dismiss by which all matters raised in the Complaint were resolved except for Complainant's request for sanctions.³ The Order of August 14, 1997, required Respondent to file, on or before September 12, 1997, a certification of services detailing the fees incurred in connection with this action, as well as a brief showing why Complainant's arguments were without reasonable foundation in law and fact.

On September 12, 1997, Respondent filed a response to my August 14 Order by which it

¹ Since then, I have excluded Mr. Kotmair from participation in this proceeding for the reasons stated in my Order Excluding Complainant's Representative, entered August 6, 1997.

² For reasons set forth in my Order of August 12, 1997, the caption has been corrected so that Respondent's name appears as "GTE Florida Incorporated."

³ As OCAHO Administrative Law Judges do not have the authority to impose sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure, I construed Respondent's request as one for attorney's fees, as governed by 8 U.S.C. § 1324b(h) and 28 C.F.R. § 68.52(c)(2). *See* Order Granting R.'s Mot. Dismiss at 14.

withdrew its request for attorney's fees. Therefore, as all issues in this matter have been resolved, I hereby dismiss the case with prejudice.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 1997, I have served the foregoing Order of Dismissal on the following persons at the addresses shown, by first class mail, unless otherwise indicated:

John E. Davis
824 Seabreeze Drive
Ruskin, FL 33570
(Complainant)

GTE Florida Incorporated
1002 South Alexander Street
Plant City, FL 33566
(Respondent)

Ernesto Mayor, Jr., Esq.
GTE Florida Incorporated
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(Counsel for Respondent)

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(Hand Delivered)

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